

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA

IN THE MATTER OF:)
JENSEN FARMS,) CASE NO. BK12-20982 (D. Colo.)
Debtor(s).) A12-8042-TJM
RONALD D. BRADDOCK and) 8:11CV402
CHARLES W. PETERSON, co-personal)
representatives of the Estate of Dale L.) CHAPTER 11
Braddock,)
Plaintiff(s),)
vs.)
JENSEN FARMS; FRONTERA PRODUCE,)
LTD.; PRIMUS GROUP, INC., d/b/a)
PrimusLabs; and DILLON COMPANIES,)
INC., d/b/a Baker's Supermarket,)
Defendant(s).)

REPORT and RECOMMENDATION

This matter is before the court on the plaintiffs' fourth status report (Fil. No. 16).

This lawsuit was filed in the United States District Court for the District of Nebraska in November 2011 by a consumer who became ill from the listeria virus after eating a cantaloupe grown by a Colorado producer and purchased at a grocery store in Omaha, Nebraska. The producer filed a Chapter 11 bankruptcy petition in Colorado, which resulted in the referral of the lawsuit to this court for further proceedings.

The plaintiffs now inform the court that the Colorado bankruptcy court has approved a settlement between the plaintiffs and the producer which resolves the plaintiffs' claims against that defendant. Accordingly, there is no reason for the case to remain in this court.

I respectfully recommend to the United States District Court for the District of Nebraska that it withdraw the reference of this adversary proceeding to move forward with the litigation involving the parties other than Jensen Farms.

The Clerk of the Bankruptcy Court shall process this recommendation pursuant to the local court rules.

DATED: August 13, 2013

BY THE COURT:

/s/ Timothy J. Mahoney
United States Bankruptcy Judge

Notice given by the Court to:

Matthew E. Eck
Matthew D. Hammes
Patrick V. Ortman
Joseph S. Daly
Nicholas J. Parolisi, Jr.
Robert S. Keith
Daniel P. Chesire
Jason W. Grams
James K. Reuss
Thomas J. Culhane
U.S. Trustee